

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MONROE CAPITAL, INC.,

Plaintiff,

DECISION AND ORDER

10-CV-6223L

v.

LAWRENCE FRUMUSA,
JOSEPH FRUMUSA,
NICHOLAS FRUMUSA,

Defendants.

In this Adversary Proceeding, in the United States Bankruptcy Court for the Western District of New York, Bankruptcy Judge John C. Ninfo, II issued an order granting plaintiff Monroe Capital, Inc.'s motion to quash subpoenas served on two witnesses. The debtor, and defendant in this proceeding, Lawrence Frumusa, acting *pro se*, has appealed the order.

Frumusa has filed a document "Statement of Issues" (Dkt. #4) which describes Frumusa's view of the Bankruptcy proceedings, some of its history, and a laundry list of claimed wrongs that disadvantaged him. Frumusa fails, though, to address in any way, the issue on appeal -- the propriety of Judge Ninfo's order quashing the subpoenas.

Plaintiff has submitted a detailed response (Dkt. #6) to Frumusa's appeal.

For the reasons advanced by plaintiff, Frumusa's appeal is dismissed. I agree with plaintiff that the order at issue is an interlocutory order, not a final order, and is, therefore, not appealable of right. Frumusa failed to seek leave to appeal and, therefore, for this reason alone, the appeal is dismissed.

On the merits, Frumusa has failed to demonstrate how or why Judge Ninfo's order was clearly erroneous. Having reviewed the relevant submissions, Judge Ninfo's order was entirely proper.

CONCLUSION

The appeal of Bankruptcy Judge John C. Ninfo, II, order granting a motion to quash subpoenas dated and filed March 19, 2010, is in all respects dismissed.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
August 9, 2010.